

Appl. No. 10/048,081
Atty. Docket No. 7694X
Amdt. dated: 04/19/04
Amendment & Reply to the Office Action dated 11/17/03

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REMARKS

The pending claims showing the amendments herein are represented above.

Claim 1 has been amended to incorporate the embodiments previously presented as part of Claims 2-5. Consequently, Claims 2-5 have been cancelled without prejudice.

Claim 7 has been amended to be consistent with the liquid formulation in amended Claim 1. Support for this amendment is found, at a minimum, in the claims as originally presented.

Claim 12 has been amended to correct dependency to Claim 11. Support for this amendment is found, at a minimum, in the claims as originally presented.

Claims 15-17 have been cancelled as they are drawn to granular and tablet forms. These claims will be later pursued in a divisional application.

Support for these amendments is found, at a minimum, in the original claims.

Upon the entry of the amendments presented, Claims 1 and 6-14 are pending in the present application. No additional claims fee is believed to be due. It is believed that these changes do not involve the introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

REJECTION UNDER 35 USC § 112

Claim 17 has been rejected under 35 USC § 112, second paragraph for being indefinite with regards to the language "the operating window of the detergent tablet is broader with the hydrotrope." By the amendments herein, Claim 17 has been cancelled without prejudice. It is therefore submitted that this rejection is now moot and should be withdrawn.

ART REJECTIONS

Rejections under 35 USC § 102(b)

a) Wahl et al. (US '990)

Claims 1 and 3-5 have been rejected under 35 USC § 102(b) as anticipated by Wahl, et al. (US Patent No. 5,759,990). Applicants respectfully traverse this rejection as applied to the claims as amended herein.

By the amendments herein, Claim 1 has been amended to require that the composition be a liquid composition and comprise: a hydrotrope wherein the hydrotrope selected from 1, 4 Cyclo Hexane Di Methanol; 1,6, Hexanediol; 1,7 Heptanediol; and mixtures thereof, wherein the composition includes a surfactant in a sufficient concentration so that the surfactant forms a viscous phase upon dilution with water in absence of the hydrotrope; and wherein the composition

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comprises no quaternary compounds which are derivatives of any of the following: C16-18 unsaturated fatty acids, methyl diethanolamine or methyl chloride.

Wahl fails to teach or suggest all of the limitations of the amended claims. Therefore, it is respectfully submitted that this rejection is now improper and should be withdrawn.

b) Cooper, et al.

Claims 1 and 3-5 have been rejected under 35 USC § 102(b) as anticipated by Cooper, et al. (PCT Application WO 98/12293). Applicants respectfully traverse this rejection as applied to the claims as amended herein.

By the amendments herein, Claim 1 has been amended to require that the composition be a liquid composition and comprise: a hydrotrope wherein the hydrotrope selected from 1, 4 Cyclo Hexane Di Methanol; 1,6, Hexanediol; 1,7 Heptanediol; and mixtures thereof, wherein the composition includes a surfactant in a sufficient concentration so that the surfactant forms a viscous phase upon dilution with water in absence of the hydrotrope; and wherein the composition comprises no quaternary compounds which are derivatives of any of the following: C16-18 unsaturated fatty acids, methyl diethanolamine or methyl chloride.

Cooper fails to teach or suggest all of the limitations of the amended claims. Therefore, it is respectfully submitted that this rejection is now improper and should be withdrawn.

c) Wahl et al. (WO '991)

Claims 1 and 3-5 have been rejected under 35 USC § 102(a) as anticipated by Wahl, et al. (PCT Application WO 98/47991). Applicants respectfully traverse this rejection as applied to the claims as amended herein.

By the amendments herein, Claim 1 has been amended to require that the composition be a liquid composition and comprise: a hydrotrope wherein the hydrotrope selected from 1, 4 Cyclo Hexane Di Methanol; 1,6, Hexanediol; 1,7 Heptanediol; and mixtures thereof, wherein the composition includes a surfactant in a sufficient concentration so that the surfactant forms a viscous phase upon dilution with water in absence of the hydrotrope; and wherein the composition comprises no quaternary compounds which are derivatives of any of the following: C16-18 unsaturated fatty acids, methyl diethanolamine or methyl chloride.

Wahl fails to teach or suggest all of the limitations of the amended claims. Therefore, it is respectfully submitted that this rejection is now improper and should be withdrawn.

d) Tordil

Claims 1 and 3-5 have been rejected under 35 USC § 102(a) as anticipated by Wahl, et al. (PCT Application WO 98/53035). Applicants respectfully traverse this rejection as applied to the claims as amended herein.

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By the amendments herein, Claim 1 has been amended to require that the composition be a liquid composition and comprise: a hydrotrope wherein the hydrotrope selected from 1, 4 Cyclo Hexane Di Methanol; 1,6, Hexanediol; 1,7 Heptanediol; and mixtures thereof, wherein the composition includes a surfactant in a sufficient concentration so that the surfactant forms a viscous phase upon dilution with water in absence of the hydrotrope; and wherein the composition comprises no quaternary compounds which are derivatives of any of the following: C16-18 unsaturated fatty acids, methyl diethanolamine or methyl chloride.

Tordil fails to teach or suggest all of the limitations of the amended claims. Therefore, it is respectfully submitted that this rejection is now improper and should be withdrawn.

e) Wahl '145

Claims 1 and 3-5 have been rejected under 35 USC § 102(e) as anticipated by Wahl, et al. (U.S. 5,877,145). Applicants respectfully traverse this rejection as applied to the claims as amended herein.

By the amendments herein, Claim 1 has been amended to require that the composition be a liquid composition and comprise: a hydrotrope wherein the hydrotrope selected from 1, 4 Cyclo Hexane Di Methanol; 1,6, Hexanediol; 1,7 Heptanediol; and mixtures thereof, wherein the composition includes a surfactant in a sufficient concentration so that the surfactant forms a viscous phase upon dilution with water in absence of the hydrotrope; and wherein the composition comprises no quaternary compounds which are derivatives of any of the following: C16-18 unsaturated fatty acids, methyl diethanolamine or methyl chloride.

Wahl fails to teach or suggest all of the limitations of the amended claims. Therefore, it is respectfully submitted that this rejection is now improper and should be withdrawn.

f) Trinh

Claims 1 and 3-5 have been rejected under 35 USC § 102(e) as anticipated by Trinh, et al. (US Patent No. 5,977,055). Applicants respectfully traverse this rejection as applied to the claims as amended herein.

By the amendments herein, Claim 1 has been amended to require that the composition be a liquid composition and comprise: a hydrotrope wherein the hydrotrope selected from 1, 4 Cyclo Hexane Di Methanol; 1,6, Hexanediol; 1,7 Heptanediol; and mixtures thereof, wherein the composition includes a surfactant in a sufficient concentration so that the surfactant forms a viscous phase upon dilution with water in absence of the hydrotrope; and wherein the composition comprises no quaternary compounds which are derivatives of any of the following: C16-18 unsaturated fatty acids, methyl diethanolamine or methyl chloride.

Trinh fails to teach or suggest all of the limitations of the amended claims. Therefore, it is respectfully submitted that this rejection is now improper and should be withdrawn.

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Rejections under 35 USC § 103(a)

a) Kahn

Claims 1-14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kahn (U.S. 5,814,592). The Office Action argues that Kahn teaches a non-aqueous liquid detergent composition comprising particulate material, surfactants, elasticizing agents and solvents such as 1,6 hexanediol and that it would have been obvious to incorporate the materials of Kahn into a composition according to the present invention in order to realize the present invention. Applicants respectfully traverse this rejection as applied to the claims as amended herein.

Kahn relates to non-aqueous liquid heavy duty detergent compositions used for cleaning fabrics that contain structured, surfactant containing liquid phase formed of non-aqueous organic diluent and anionic surfactant-containing powder comprising non-surfactant salts and additional adjunct particulate material.

By the amendments herein, Claim 1 of the present invention has been amended to require that the composition be a liquid composition and comprise: a hydrotrope wherein the hydrotrope selected from 1, 4 Cyclo Hexane Di Methanol; 1,6, Hexanediol; 1,7 Heptanediol; and mixtures thereof, wherein the composition includes a surfactant in a sufficient concentration so that the surfactant forms a viscous phase upon dilution with water in absence of the hydrotrope; and wherein the composition comprises no quaternary compounds which are derivatives of any of the following: C16-18 unsaturated fatty acids, methyl diethanolamine or methyl chloride.

Kahn fails to teach or suggest all of the elements of the amended claims. One of ordinary skill in the art would find no motivation in Kahn to modify the Kahn compositions to realize the present invention.

Given the foregoing considerations, it is submitted that the Office Action fails to establish a *prima facie* case of obviousness and that Applicants' Claims, as amended herein, are not rendered unpatentably obvious by the teachings of Kahn. Accordingly, a rejection of the claims as amended herein, over Kahn under 35 U.S.C. § 103 is now improper and should be withdrawn.

b) Wahl '443

Claims 1 and 15-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Wahl (U.S. 5,747,443). The Office Action argues that Wahl teaches fabric softeners containing 1,6 hexanediol and it would have been obvious to incorporate the teachings of Wahl into a tablet in order to realize the present invention. Applicants respectfully traverse this rejection as applied to the claims as amended herein.

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Wahl relates to fabric softening actives that may be incorporated into clear aqueous fabric softener compositions.

By the amendments herein, Claim 1 of the present invention has been amended to require that the composition be a liquid composition and comprise: a hydrotrope wherein the hydrotrope selected from 1, 4 Cyclo Hexane Di Methanol; 1,6, Hexanediol; 1,7 Heptanediol; and mixtures thereof, wherein the composition includes a surfactant in a sufficient concentration so that the surfactant forms a viscous phase upon dilution with water in absence of the hydrotrope; and wherein the composition comprises no quaternary compounds which are derivatives of any of the following: C16-18 unsaturated fatty acids, methyl diethanolamine or methyl chloride.


Wahl fails to teach or suggest all of the elements of the amended claims. One of ordinary skill in the art would find no motivation in Wahl to modify the Wahl compositions to realize the present invention. Furthermore, it is respectfully submitted that the Office Action recognized this to be true, since the Office Action did not reject prior Claim 2 over Wahl. By the amendments herein, all of the claims now incorporate the limitations of prior Claim 2.

Given the foregoing considerations, it is submitted that the Office Action fails to establish a *prima facie* case of obviousness and that Applicants' Claims, as amended herein, are not rendered unpatentably obvious by the teachings of Wahl. Accordingly, a rejection of the claims as amended herein, over Wahl under 35 U.S.C. § 103 is now improper and should be withdrawn.

CONCLUSION

Applicants have made an earnest effort to place their application in proper form and to distinguish their invention from the applied prior art. WHEREFORE, Applicants respectfully request entry of the amendments presented, reconsideration of this application, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, § 102, and § 103, and allowance of Claims 1 and 6-14.

Respectfully submitted,
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